

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1
2 Jan 14, 2021
3
4
5
6
7
8
9

SEAN F. McAVOY, CLERK

10
11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON
13
14

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 JEREMY JOHN GILBERT,
19 Defendant.

No. 2:20-CR-00154-RMP-1

20 ORDER FOLLOWING INITIAL
21 APPEARANCE AND
22 ARRAIGNMENT

23 **MOTION GRANTED**
24 **(ECF No. 9)**

25 At Defendant's January 14, 2021, initial appearance and arraignment based
on an Indictment, Defendant appeared via video while in custody at the Spokane
County Jail. Assistant Federal Defender Lorinda Youngcourt represented the
Defendant and appeared by video from another location. Assistant U.S. Attorney
Ann Wick represented the United States and appeared by video from a separate
location. United States Probation Officer Patrick Dennis was present
telephonically. At the time of the hearing, Defendant consented to proceeding by
video.

26 Defendant was advised of, and acknowledged, his rights. On his plea of not-
27 guilty, Defendant is bound over to the United States District Court for trial.

28 ///

ORDER - 1

1 Under federal law, including Rule 5(f) of the Federal Rules of Criminal
2 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions
3 interpreting *Brady*, the government has a continuing obligation to produce all
4 information or evidence known to the government that is relevant to the guilt or
5 punishment of a defendant, including, but not limited to, exculpatory evidence.

6 Accordingly, the Court Orders the government to produce to the defendant
7 in a timely manner all information or evidence known to the government that is
8 either: (1) relevant to the defendant's guilt or punishment; or (2) favorable to the
9 defendant on the issue of guilt or punishment.

10 This Order is entered under Rule 5(f) and does not relieve any party in this
11 matter of any other discovery obligation. The consequences for violating either this
12 Order or the government's obligations under *Brady* include, but are not limited to,
13 the following: contempt, sanction, referral to a disciplinary authority, adverse jury
14 instruction, exclusion of evidence, and dismissal of charges.

15 Defendant, personally and through counsel, waived the right to a detention
16 hearing. Accordingly, **IT IS ORDERED** the United States' motion for detention,
17 **ECF No. 9**, is **GRANTED**. Defendant shall be held in detention pending
18 disposition of this case or until further order of the court. Defendant is committed
19 to the custody of the U.S. Marshal for confinement separate, to the extent
20 practicable, from persons awaiting or serving sentences or being held in custody
21 pending appeal. Defendant shall be afforded reasonable opportunity for private
22 consultation with counsel.

23 If a party desires this Court to reconsider conditions of release because of
24 material and newly discovered circumstances pursuant to 18 U.S.C. § 3142(f), that
25 party shall file a two-page motion for reconsideration succinctly stating what
26 circumstances are new, how they are established, and the requested change in
27 conditions of release. The motion shall indicate whether opposing counsel or
28 Pretrial Services object, whether a hearing is desired, and whether a supplemental

1 pretrial report is requested. This Court will treat the motion as expedited and
2 submitted without argument and will set a hearing or issue other orders as may be
3 appropriate.

4 **IT IS SO ORDERED.**

5 DATED January 14, 2021.



A handwritten signature in black ink, appearing to read "M", is placed above a horizontal line.

6
7 JOHN T. RODGERS
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28